



PATENT

12/Response  
P. Walker  
3-25-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): PATENAUD, Francois, et al.

For METHOD AND APPARATUS FOR NOISE FLOOR LEVEL ESTIMATION

Serial No.: 09/503,834

Group Art Unit: 2863

Filed: 02/15/2000

Examiner: PRETLOW, DORR

Atty Ref: Borden P11US0

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RESPONSE TO OFFICE ACTION

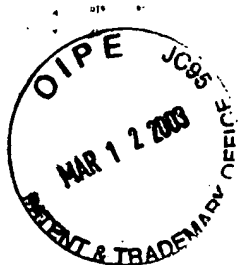
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action dated September 12, 2002, in the above-noted application, Applicants respectfully submit the following remarks:

REMARKS

Claims 1 – 39 were in the application as originally filed. Claims 1 and 23 are independent, while the remaining claims are directly or indirectly dependent from claims 1 or 23. Claims 1 and 23 have been rejected under 35 U.S.C. §102(e) as being anticipated by the U.S. Patent to Higgins et al. 6,266,633. Claims 2, 4 – 8, 14, 24 and 26 – 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Higgins et al. in view of the U.S. Patent to Kleider et al. 6,240,282 and the U.S. Patent to Fry 5,465,097. Claims 9



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant[s]: PATENAUD, Francois and DUFOUR, Martial  
For: METHOD AND APPARATUS FOR NOISE FLOOR ESTIMATION  
Serial No.: 09/503,834 Filed: 02/15/2000  
Examiner: PRETLOW, Demetrius R. Group Art Unit: 2863  
Atty Docket: Borden P11US0

Assistant Commissioner for Patents  
Washington, D.C. 20231

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Date of Deposit: March 12, 2003

Sir:

I hereby certify that this paper, preliminary amendment and fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

<input type="checkbox"/> Transmittal Form	<input type="checkbox"/> Declaration for Patent Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check attached for \$	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Notice of Allowance and Issue Fee Due
<input type="checkbox"/> Provisional Application for Patent Cover Transmittal <input type="checkbox"/> Specification ___ Pages <input type="checkbox"/> Claims ___ Pages	<input type="checkbox"/> Information Disclosure Cover Letter <input type="checkbox"/> IDS PTO 1449 <input type="checkbox"/> ___ References	<input type="checkbox"/> Certificate of Correction
<input type="checkbox"/> Design/Utility Application Transmittal <input type="checkbox"/> Specification ___ Pages <input type="checkbox"/> Claims ___ Pages	<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> ___ References	<input type="checkbox"/> Maintenance Fee Transmittal Form <input type="checkbox"/> Maintenance Fee Payment
<input type="checkbox"/> PCT <input type="checkbox"/> Transmittal Letter to the United States Receiving Office <input type="checkbox"/> PCT Fee Calculation Sheet <input type="checkbox"/> PCT Request (___ Pages) <input type="checkbox"/> PCT General Power of Attorney Cover Letter <input type="checkbox"/> PCT General Power of Attorney	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Letter to Official Draftsman	<input checked="" type="checkbox"/> Itemized Postcard
<input checked="" type="checkbox"/> Request Transmittal (RCE or CPA)	<input type="checkbox"/> Response to Missing Parts /Incomplete Application	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	- Response
<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> Request for Refund	

Dated: 3/12/03

Chris Howlett

VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP  
Bridgewater Place  
Post Office Box 352  
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(616) 336-6000

MAR 12 2003

PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

TOTAL AMOUNT OF PAYMENT	(\$ 2,002.00	Application Number	09/503,834
		Filing Date	February 15, 2000
		First Named Inventor	PATENAUD, Francois
		Examiner Name	PRETLOW, Demetrius R.
		Group/Art Unit	2863
		Attorney Docket No.	Borden P11US0

### METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 22-0257

Deposit Account Name: Varnum, Riddering, et al.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$ )

#### 2. EXTRA CLAIM FEES

		Extra Claims		Fee from below		Fee Paid
Total Claims	39	-20**= 19	X	18	=	342
Independent Claims	2	-3**= 0	X		=	0
Multiple Dependent					=	

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$ 342.00

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	219	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	740.00
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ 1,660.00

SUBMITTED BY: VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP

Name (Print/Type)	Thomas L. Lockhart	Registration No. (Attorney/Agent)	29,324	Telephone	616/336-6000
Signature				Date	3/11/03

#### WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.